SAMMONS Architectural LIMITED
Chartered Institute of Architectural Technologists

10 Cawdry Buildings
Fountain Street
Leek, Staffordshire, ST13 6JP
Tel / fax 01538 386002
e-mail info@sammonsltd.co.uk

Planning Statement in support of application for a Certificate of Lawful Development for Single Storey Rear Extension at 41, Millbrook Gardens, Blythe Bridge, Staffordshire Moorlands, ST11 9JQ

Introduction

This application relates to a single storey rear extension to a dwellinghouse whose address is 41, Millbrook Gardens, Blythe Bridge. The works that are the subject of this application were completed in February 2018.

Permitted Development

The Permitted Development allowances for additions to dwellinghouses are set out in Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.This schedule is set out below. The circumstances of the extension that is the subject of this application follows each requirement to show that it complies with each requirement. To assist the reading of the case, the circumstances are printed in PURPLE :-

"SCHEDULE 2
Permitted development rights

PART 1
Development within the curtilage of a dwellinghouse THE EXTENSION IS ATTACHED TO A DWELLING IN A RESIDENTIAL CURTILAGE

Class A – enlargement, improvement or other alteration of a dwellinghouse THE APPLICATION INVOLVES THE ENLARGEMENT OF A DWELLINGHOUSE
Permitted Development
A. The enlargement, improvement or other alteration of a dwellinghouse. THE APPLICATION INVOLVES THE ENLARGEMENT OF A DWELLINGHOUSE

Development not permitted
A.1 Development is not permitted by Class A if—
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use); THE DWELLINGHOUSE DOES NOT EXIST AS A RESULT OF A GRANT OF PERMISSION UNDER CLASS M, N, P AND Q OF PART 3 OF THE SCHEDULE
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); THE AREA OF GROUND WITHIN THE CURTILAGE COVERED BY BUILDINGS (EXCLUDING THE DWELLINGHOUSE) IS 172 sq.m. 50% 0f 172 sq.m. IS 86sq.m. THE FOOTPRINT OF THE ADDITION IS 20.4sq.m. IT IS THEREFORE WELL BELOW THE 50% RESTRICTION.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; THE HEIGHT OF THE ADDITION IS BELOW THE HEIGHT OF THE DWELLINGHOUSE
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; THE HEIGHT OF THE EAVES OF THE ADDITION IS LOWER THAN THE HEIGHT OF THE DWELLINGHOUSE
(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; or THE ADDITION DOES NOT EXTEND BEYOND THE PRINCIPAL ELEVATION OF THE DWELLING
(ii) fronts a highway and forms a side elevation of the original dwellinghouse; THE ADDITION DOES NOT FRONT THE HIGHWAY AND IS NOT A SIDE EXTENSION
(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or THE ADDITION EXTENDS BEYOND THE REAR WALL OF THE DWELLINGHOUSE BY 2.98m.
(ii) exceed 4 metres in height; THE ADDITION HAS A HEIGHT OF 3.55m.

(g)-(k) THE ADDITION IS NOT SEEKING TO BE DETERMINED UNDER THE ENLARGED PD ALLOWANCE

A.2 In the case of a dwellinghouse on article 2(3) land THE APPLICATION SITE IS NOT IN AN AREA REFERRED TO AS ARTICLE 2(3) LAND , development is not permitted by Class A if—
(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

Conditions
A.3 Development is permitted by Class A subject to the following conditions—
(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; THE ADDITION IS CONSTRUCTED IN MATERIALS SIMILAR TO THE MATERIALS USED IN THE CONSTRUCTION OF THE DWELLINGHOUSE
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— THERE IS NO UPPER FLOOR
(i) obscure-glazed, and
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse. THE ADDITION IS SINGLE STOREY

A.4—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). THE ADDITION DOES NOT EXCEED THE LIMITS ALLOWED IN PARAGRAPH A.1(f)
(2) Before beginning the development the developer must provide the following information to the local planning authority—
(a) a written description of the proposed development including—

(i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
(ii) the maximum height of the enlarged part of the dwellinghouse; and
(iii) the height of the eaves of the enlarged part of the dwellinghouse;
(b) a plan indicating the site and showing the proposed development;
(c) the addresses of any adjoining premises;
(d) the developer's contact address; and
(e) the developer's email address if the developer is content to receive communications electronically.

(3) The local planning authority may refuse an application where, in the opinion of the authority—
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,
the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—
(a) describes the proposed development, including—
(i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
(ii) the maximum height of the enlarged part of the dwellinghouse; and
(iii) the height of the eaves of the enlarged part of the dwellinghouse;
(b) provides the address of the proposed development;
(c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and
(d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

(6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.

(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
(8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.

(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—
(a) take into account any representations made as a result of the notice given under sub-paragraph (5); and
(b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

(10) The development must not begin before the occurrence of one of the following—
(a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

(b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
(c) the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

(11) The development must be carried out—
(a) where prior approval is required, in accordance with the details approved by the local planning authority;
(b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2), unless the local planning authority and the developer agree otherwise in writing.

(12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

(13) The development must be completed on or before 30th May 2019.

(14) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(15) The notification referred to in sub-paragraph (14) must be in writing and must include—
(a) the name of the developer;
(b) the address or location of the development, and
(c) the date of completion."

Conclusion

This Statement, combined with the application drawings 2019-2423-01A and 2019-2423-2A, illustrate, without doubt, that the single storey rear extension completed in February 2018 at 41, Millbrook Gardens, Blythe Bridge, Staffordshire Moorlands, ST11 9JQ meets the requirements of a permitted development addition. It is therefore requested that Staffordshire Moorlands District Council issue a Certificate to that effect.